



## **Cal Maritime Ombuds Program**

### **A. Purpose**

The Cal Maritime Ombuds Program enhances the university environment by providing an informal, confidential avenue for resolution of University-related concerns, conflicts, or disputes which are not covered by collective bargaining agreements or cadet regulations. The Program does not handle matters related to sex discrimination, child abuse, and any other matters that trigger a reporting obligation. By offering early availability for dispute resolution outside of traditional formal grievance process, the quality of the University environment is enhanced. Disputes and concerns are heard by a Dispute Resolution Facilitator (DRF) who is an impartial, trained, full-time member of the campus community. Please see Section E for a complete description of a DRF.

### **B. Notice to the University**

To the extent provided by law, communications with the Ombuds Program or a DRF are informal and “off-the-record.” They do not constitute formal “notice” to the California State University System or to Cal Maritime of alleged, actual, or perceived inappropriate behavior by Cal Maritime employees, except in cases of sex harassment and discrimination (Title IX), child abuse, and any other matters which trigger reporting obligations. Other channels exist within the University for such notice to be given which will be discussed by a DRF as appropriate or when requested. If applicable, the DRF will refer visitors to offices that can “receive notice” for the institution.

### **C. Accessibility and Voluntary Nature of Services**

Any University staff, faculty, and students may access the program. A DRF has the discretion to determine whether a request for services will be accepted and will provide those services on a voluntary basis. No individual can be compelled to seek assistance from the Cal Maritime Ombuds Program or to participate in a session with a DRF.

### **D. Scope of the Program**

The Cal Maritime Ombuds Program operates in accordance with the International Ombudsman Association's *Standards of Practice and Code of Ethics*.

The Ombuds Program does not handle matters related to sex discrimination, child abuse, and/or other matters that may trigger a reporting obligation. The Program does not offer legal advice, advocate for any individual or group, or handle matters involving a litigation,

contract grievances, personnel actions such as termination process, or anyone represented by an attorney.

The Ombuds Program shall adhere to four fundamental tenants:

## 1. **Confidentiality**

The Cal Maritime Ombuds Program requires confidentiality except in matters relating to serious misconduct or a crime, if there is imminent risk of serious harm, or if disclosure is otherwise required by law.

Ombuds Program DRFs will not identify involved parties nor discuss a party's particular concerns with anyone unless given verbal permission during discussions, and then, only to the extent granted.

Confidentiality extends not only to the spoken word but also to all other forms of communication with a DRF, including the DRF's working records. This includes information regarding whether someone did or did not contact someone about the Ombuds Program. Such information may be shared if permission is given by the program visitor and the DRF also agrees to share this information. In addition, a DRF shall comply with all University regulations and standards relating to personal privacy and the confidentiality of information.

Exceptions to the principle of confidentiality include when a DRF:

- a) believes there is a reasonable risk of serious personal injury to anyone or future criminal activity,
- b) has knowledge of past criminal activity, or
- c) is legally required to disclose information.

To the extent allowed by law, a DRF shall not be compelled to testify in any University hearing regarding matters brought to the Ombuds Program. Nor shall the University ask a DRF to reveal information received in the appropriate conduct of his/her ombuds-related work except as legally required or as provided in this document. The University shall attempt to protect a DRF from subpoena by others seeking to extract information received in the appropriate pursuit of his/her duties as a DRF.

***Confidentiality cannot be promised in matters relating to serious misconduct (violations of Title IX, sexual misconduct, harassment, etc.) or a crime, if there is imminent risk of serious harm, or if disclosure is otherwise mandated by law or policy.***

## 2. **Informality**

The Ombuds Program works outside of the formal problem-resolution and grievance procedures of the University. Thus, the Ombuds Program is not a substitute for formal procedures, such as filing a grievance or notifying the University of a crime or other legal matter.

The Ombuds Program does not engage in formal investigation or fact-finding on behalf of individuals or the university. If a DRF concludes that a formal investigation may be necessary, the DRF shall refer the individual to the appropriate University office.

Any communication with the program is “off-the-record” and does not put the University on notice of a problem, except in matters of sex discrimination, child abuse, or other matters that trigger a reporting obligation. If you wish to place the University on notice, you must say so, and the DRF will provide guidance as to how to proceed.

The Cal Maritime Ombuds Program is not part of any university review or appeal process. While a DRF may engage in informal, confidential fact-seeking or otherwise gather information related to a particular issue/case, he or she will not conduct an investigation.

### **3. Neutrality**

As designated neutrals, DRFs advocate for fair processes and impartially consider the rights and interests of all parties. A DRF shall be neutral, impartial, and absent of self-interest in the performance of his/her duties in the program. A DRF will act in such fashion as to respect the rights of all parties in a conflict.

A DRF does not give legal advice or act as anyone's representative, advisor, or counselor.

A DRF does not serve as an advocate for an individual or for the University.

A DRF may strive to uphold an important workplace principle (such as a fair process) in the resolution of a problem. Upholding an important workplace principle may mean that suggestions are made to the President, Provost, or other appropriate University administrators to consider changes to University processes, policies, or procedures.

### **4. Independence**

The Cal Maritime Ombuds Program is functionally independent from the University's administrative structure; however, the Ombuds Program operates under the supervision of the Director of University Affairs, who reports to the University President. Functionally independent means that in the legitimate performance of his/her duties, a DRF shall be free from interference, retaliation, and the control of others outside the Cal Maritime Ombuds Program.

A DRF responds to issues, concerns, or problems only as a result of a request of a party wishing to resolve a dispute or air a concern. The DRF has access to all appropriate administrative levels within the University and is authorized to obtain information necessary in the resolution of conflict (except where prohibited by University policies and/or federal or state law).

## **E. Dispute Resolution Facilitators**

A pool of volunteer ombudspersons, called Dispute Resolution Facilitators (DRFs), is available to hear complaints and concerns, and facilitate resolution. The pool of DRFs is composed of full-time University employees and students with diverse backgrounds, expertise, and cultural perspectives. Every effort will be made to maintain a pool of DRFs which reflects the varied backgrounds, disciplines, and experience, as well as the ages, gender, social and cultural diversity of the campus.

### **1. What Does a DRF Do?**

The role of a DRF is to listen, receive, and provide information to involved parties, provide informal facilitation between parties when requested, and such other functions normally within the purview of the Ombuds Program. A DRF does not have the authority to make or change policy, or to set aside previous administrative decisions, nor does a DRF determine the legal rights of others or to unilaterally resolve conflicts.

#### **A DRF:**

- listens and is non-judgmental;
- respects the concerns of all sides and remains impartial;
- facilitates communication between individuals or groups;
- provides a safe and confidential place to talk – everything is confidential, to the extent allowed by law;
- answers questions and directs parties to appropriate resources;
- helps to objectively analyze the situation, and identify and evaluate options for resolution; and
- provides important feedback to management by reporting issues and trends while maintaining confidentiality.

#### **A DRF does not:**

- take sides;
- breach confidentiality, unless required by law;
- conduct formal investigations;
- make or change policy;
- handle collective bargaining issues, cadet disciplinary charges, or legal issues;
- act as a witness or later testify in a legal proceeding related to a case, unless required by law;
- keep identifying records nor assume a custodial role for formal documentation; or
- handle matters involving sex discrimination, child abuse, and/or other matters that trigger a reporting obligation.

## **2. Nomination of DRFs**

The Call for Nominations to members of the university community is published in December, with nominations closing in mid-January. A person can self-nominate, or be nominated by any University employee, or student.

## **3. Eligibility**

DRFs shall be selected through a process which seeks individuals willing and able to fulfill the *Standards of Practice of the International Ombudsman Association*. DRFs must be full-time faculty, staff, or students. Faculty on sabbatical or in FERP status are not eligible to serve as DRFs. Students applying to be DRFs will have their disciplinary records considered. Applicants must obtain a written acknowledgement from their supervisor that they will be given release time to attend mandatory training and tend to ombuds matters.

## **4. Selection and Term of Service**

DRFs shall be appointed by the President for a two-year term, which may be renewable. Subsequent appointments are year-to-year. The DRF is a voluntary appointment, and shall be performed in addition to regular job duties. DRFs do not receive monetary compensation from the University to perform the services of the Ombuds Program.

The overall composition of the DRF pool must provide the aforementioned broad diversity to efficiently and effectively address a wide variety of issues.

## **5. Oversight and Training**

DRFs shall serve as trained ombudspeople under the supervision of the Director of University Affairs, and will fulfill annual program requirements for continuing training as determined by the Director of University Affairs.

New DRFs are required to attend an orientation and introduction to ombuds servicing that is usually held before the beginning of the fall semester. Training for all DRFs consists of online interactive workshops and other meetings during the academic year. Agreeing to be a part of the Ombuds team confirms that the DRF will attend meetings and participate in workshops, as required.

DRFs are required to attend an orientation to ombuds servicing and to fulfill their roles in accordance with the principles and ethics set forth by the *International Ombudsman Association*. They are also required to attend at least two Ombuds workshops or training sessions a year in order to be considered for reappointment to the pool.

Brownbag luncheon meetings will be held throughout the year to allow for networking with fellow DRFs, continue to develop skills, and introduce DRFs to additional resources. DRFs are encouraged to attend additional workshops to become more aware

of issues relating to cultural competency and other Cal Maritime workshops that will increase knowledge of campus resources, policies, and procedures.

#### **6. Selection of a DRF for a Case**

Appointees cannot assist a caller in their capacity as a DRF until they have attended New Ombuds Program Orientation. The Director of University Affairs, after considering input from involved parties, will select the fully-trained DRF best suited to hear a concern, and who does not have a conflict of interest. A DRF can decline to hear a case for any reason, and need not give an explanation.

#### **7. Periodic Review of DRFs**

DRFs shall be subject to periodic review by the Director of University Affairs. Absent proof of an egregious violation of University policy or law, no employee or student shall be disciplined for actions conducted in the course of their duties as a DRF, nor shall participation in the Ombuds Program negatively impact the Retention, Tenure, and Promotion process for faculty or the review process for staff.

#### **8. Removal from the DRF Pool**

Appointments can be rescinded for cause at any time by the President. The decision of the President with respect to appointments is final.

### **F. Program Responsibility and Oversight**

The responsibilities and oversight for the Cal Maritime Ombuds Program will be executed by the Director of University Affairs, who will serve as a source of information regarding University rules, regulations, policies, and procedures.

The Director of University Affairs will ensure the operation and integrity of the Cal Maritime Ombuds Program in keeping with the *Standards of Practice of the International Ombudsman Association* insofar as practicable within the University setting, and University policies and procedures. The "roles and program principles" applied to DRFs shall also apply to the work of the Director of University Affairs as it relates to the Ombuds Program.

The Director of University Affairs may make any recommendations with regard to resolving problems or improving policies, rules, or procedures; however, s/he shall have no actual authority to impose remedies or sanctions, or to enforce any policy, rule, or procedure.

The specific responsibilities of the Director of University Affairs in connection with this program shall include (but may not be limited to):

- the selection, orientation, and on-going training of the DRFs;
- maintenance of consistent standards among the various DRFs on the principles of confidentiality, impartiality, and independence;

- gathering of aggregate data on the Cal Maritime Ombuds Program and presentation of such data periodically in report form to the President, taking into consideration the confidentiality of individual cases; commenting on trends in these data as well as on policies and practices of the University for consideration by the President.

### **1. Record Keeping**

While a DRF may prepare confidential written notes while assisting parties with an issue or case, the Cal Maritime Ombuds Program will not keep written records of its cases. This practice shall not preclude maintaining aggregate data on overall cases which allows for periodic evaluation of a DRF and the Cal Maritime Ombuds Program itself.

### **2. Program Effectiveness and Evaluation**

The Cal Maritime Ombuds Program shall be evaluated annually by the Office of the President. Information relevant to the effectiveness of the Cal Maritime Ombuds Program will include aggregate statistics relating to program usage and types of cases handled, a satisfaction survey by users of the program, and other information as the President may regard as appropriate. In addition, a comprehensive review of the program will be conducted every three years to determine if program continuation or modification is appropriate.

## **G. Contact**

All questions and requests for assistance should be directed to the Director of University Affairs at 707-654- 1788 or a DRF directly (see Directory List). You can also visit the website at [www.csum.edu](http://www.csum.edu).